

REMARKS

I. INTRODUCTION

Claims 1-20 have been amended. Claim 21 was previously cancelled. Support for the amendments to claim 19 can be found at least at ¶ [0037] of the published application. Thus, claims 1-20 remain pending in the present application. No new matter has been added. Applicant would like to thank the Examiner for allowing claims 1-16 and indicating that claim 20 contains allowable subject matter. However, in view of the above amendments and the following remarks, Applicant respectfully submits that all presently pending claims are in condition for allowance.

II. THE DRAWING OBJECTION SHOULD BE WITHDRAWN

The drawings stand objected to for failing to comply with 37 C.F.R. §1.84(p)(5). Specifically, the Examiner states that Fig. 4 is missing reference number 19, which is mentioned in the specification. In view of the amendment to Fig. 4, the withdrawal of this objection is respectfully requested.

III. THE SPECIFICATION OBJECTIONS SHOULD BE WITHDRAWN

The disclosure stands objected to by the Examiner due to the specification not being properly labeled with section headings. The Applicants respectfully traverse this objection. Section headings are merely permissible and not mandatory (See 37 CFR 1.77(b); MPEP 608.01(a)). Furthermore, the Patent Office stated that it will not require any application to comply with the format set forth in 37 C.F.R. 1.77. *See Miscellaneous Changes in Patent Practice*, Response to comments 17 and 18 (Official Gazette, September 18, 1996). Accordingly, Applicants respectfully submit that this objection to the specification should be withdrawn.

The specification also stands objected to due to informalities. Claims 1-20 are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style

claim language. No new matter is added. In view of the amendments to the specification curing these informalities, the withdrawal of this objection is respectfully requested.

IV. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 17, 18, and 20 stand rejected under 35 U.S.C. §112, second paragraph, for being indefinite. In view of the amendments to these claims, Applicant respectfully requests the withdrawal of this rejection.

V. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claim 19 stands rejected under 35 U.S.C. §102(e) as anticipated by Makenkamp et al. (U.S. Published App. No. 2006/0050052).

Claim 19 has been amended to recite, “[a] pointing device, extending along a longitudinal axis, comprising: a camera positioned in the pointing device such that the camera generates an image of a target area in front of the pointing device in the direction along the longitudinal axis of the pointing device, in which the pointing device is aimed; and *a motion sensor that activates the pointing device when a user takes hold of the pointing device.*”

Makenkamp discloses a pointing device (101) that contains a camera (102) which can send pictures to a digital signal processor. (See Makenkamp, ¶ [0048]). The pointing device is used to interact with various electrical apparatuses. In order to control a specific apparatus, a user must point the device (101) at the apparatus and perform a certain movement that corresponds to a specific command. (See Id., ¶ [0013]). However, Makenkamp explicitly discloses that “the camera is always imaging the region pointed to substantially optimally.” (See Id.). The movement of the pointing device serves to send apparatus control data. (See Id.). However, Makenkamp does not disclose “*a motion sensor that activates the pointing device.*” From Makenkamp’s disclosure that the camera is always imaging the region pointed to, it appears that the pointing device is always activated and that motion of the device serves merely to transmit certain control

data to the electrical apparatus being pointed at. Therefore, Applicant respectfully submits that claim 19 is allowable over Makenkamp.

Claim 19 stands rejected under 35 U.S.C. §102(e) as anticipated by Hoile. (U.S. Published App. No. 2005/0104849).

Hoile discloses a pointer device (103) that is used to control a cursor on a display. (See Hoile, ¶ [0015]). The pointer device (103) includes a camera (207) and is connected to a computer (111) either wirelessly or via a USB cable connected to the computer (111). Although Hoile discloses two buttons (211a, 213a) and two switches (211b, 213b), Hoile is silent as to how the pointer device (103) is activated. It is not clear if the device is always on, activated by one of the buttons or switches, or by the computer. In any case, Hoile fails to disclose “*a motion sensor that activates the pointing device,*” as recited in claim 19. Therefore, Applicant respectfully submits that claim 19 is allowable over Hoile.

VI. THE 35 U.S.C. 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Makenkamp. Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as unpatentable over Hoile.

The Examiner has indicated that claim 13 is allowable. (See 10/15/09 Office Action, p. 7). Claims 17 and 18 depend from claim 13, and inherit all of the respective features of claim 1. Thus, claims 17 and 18 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

Withdrawal of the rejections of dependent claims 17 and 18 under 35 U.S.C. §103(a) and early allowance are respectfully requested.


CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application are believed to be in condition for allowance. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully Submitted,

Dated: January 15, 2010

By: _____


Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276

Mail all correspondence to:
Kevin C. Ecker, Esq.
Senior IP Counsel
Philips Electronics North America Corp.
P.O. Box 3001
Briarcliff Manor, New York 10510-8001
Phone: (914) 333-9618